

Alcoa Corporation Warrick Operation F019 Wastewater Treatment Sludge Delisting

LSA Document #07-552

Overview

This rule adds a new rule at 329 IAC 3.1-6-8 to conditionally delist wastewater treatment sludges from the chemical conversion coating of aluminum, waste code F019, that is generated by the Alcoa Corporation Warrick Operation in Warrick County, Indiana.

Citations Affected

329 IAC 3.1-6-8.

Authority

IC 13-22-2-3(d).

Affected Persons

Alcoa Corporation Warrick Operation.

Reason(s) for the Rule

This rule was requested by Alcoa Corporation Warrick Operation in accordance with 329 IAC 3.1-5-2 and 329 IAC 3.1-5-3.

Economic Impact of the Rule

This rule will significantly reduce Alcoa's disposal costs.

Benefits of the Rule

This rule will significantly reduce Alcoa's disposal costs while providing for safe disposal as long as Alcoa complies with all conditions for the delisting.

Description of the Rulemaking Project

This rule would conditionally exclude from regulation under 329 IAC 3.1 (delist) wastewater treatment sludge from the chemical conversion coating of aluminum, waste code F019, generated by Alcoa Corporation Warrick Operation, as described in the delisting petition submitted by Alcoa on March 29, 2007.

Indiana's rules for delisting are found at 329 IAC 3.1-5-2 and 329 IAC 3.1-5-3. Indiana received EPA authorization for delisting of hazardous waste on January 4, 2001.

Scheduled Hearings

First Public Hearing: November 20, 2007.

Second Public Hearing: Not yet scheduled.

Consideration of Factors in IC 13-14-8-4

Indiana Code 13-14-8-4 requires that in adopting rules and establishing standards, the board shall take into account the following:

- 1) All existing physical conditions and the character of the area affected.
- 2) Past, present, and probable future uses of the area, including the character of the uses of surrounding areas.
- 3) Zoning classifications.
- 4) The nature of the existing air quality or existing water quality, as appropriate.
- 5) Technical feasibility, including the quality conditions that could be reasonably be achieved through coordinated control of all factors affecting the quality.
- 6) Economic reasonableness of measuring or reducing any particular type of pollution.
- 7) The right of all persons to an environment sufficiently uncontaminated as not to be injurious to:
 - (A) human, plant, animal, or aquatic life; or
 - (B) the reasonable enjoyment of life and property.

Consistency with Federal Requirements

This rule is consistent with the federal hazardous waste program at 40 CFR 260 through 40 CFR 279.

Rulemaking Process

The first step in the rulemaking process is a first notice published in the *Indiana Register*. This notice includes a discussion of issues and opens a first comment period. A second notice is then published which contains the comments from the first comment period and the department's responses to the comments, a notice of first public hearing, and the draft rule. The Solid Waste Management Board holds the first public hearing and public comments are heard. The proposed rule is published in the *Indiana Register* after preliminary adoption along with a notice of second public hearing. If the proposed rule is substantively different from the draft rule, a third comment period is required. The second public hearing is held and public comments are again heard. Once final adoption occurs, the rule must be approved by the Indiana Attorney General and the Governor. If approved, the rule becomes effective 30 days after filing with the *Indiana Register*.